

City of Cincinnati



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David S. Mann
Councilmember

May 20, 2019

Dear Colleagues:

Attached is a summary by my staff of marijuana laws in the 10 states where recreational use is legal. Almost all 10 states limit possession to one ounce and to persons 21 years or older. In addition, **public** use is illegal.

I have requested an ordinance limiting possession to one ounce (or approximately 28 grams) or less and to persons 21 years or older. The ordinance also prohibits public use.

The attached opinion from the Solicitor confirms that public use on our streets and other outside public spaces otherwise will not be prohibited under the two ordinances before us.

Sincerely,

David Mann

From: Paraskevopoulos, Ioanna Ioanna.Paraskevopoulos@cincinnati-oh.gov
Subject: RE: [External Email] marijuana laws
Date: May 20, 2019 at 3:43 PM
To: david.mann.mann568@gmail.com, Kenkel, Hillary Hillary.Kenkel@cincinnati-oh.gov

Here you go!

WA

Quantity Limits: 1 ounce of useable marijuana, 16 oz of edibles, 72 oz in liquid form, 7 grams of marijuana concentrates

Restrictions on Public Use: Illegal to consume in the view of the public

Age Limit: 21 and over

OR

Quantity Limits: 8 oz at home, 1oz on their person in public

Restrictions on Public Use: cannot be sold or smoked in public

Age Limit: 21 and over

CA

Quantity Limits: up to 28 grams of marijuana flower and up to 8 grams of marijuana concentrate

Restrictions on Public Use: Cannot be smoked in any public place or area, any location where smoking tobacco is prohibited, within 1000 feet of a school, youth center or day care where children are present

Age Limit: 21 and over

NV

Quantity Limits: up to 1 oz of useable marijuana, 1/8th oz of concentrated marijuana

Restrictions on Public Use: Cannot use marijuana in any public place, cannot use in a moving vehicle, even as a passenger

Age Limit: 21 and over

CO

Quantity Limits: Can purchase 28 grams in a single transaction, can possess 1 oz

Restrictions on Public Use: Public consumption is illegal and can result in tickets and fines. This includes federal land.

Age Limit: 21 and over

MI

Quantity Limits: 2.5 oz // up to 10oz at residence

Restrictions on Public Use: not permitted

Age Limit: 21

VT

Quantity Limits: 1 oz marijuana, 5 grams hashish

Restrictions on Public Use: not permitted

Age Limit: 21

MA

Quantity Limits:

Adults 21 or older may:

possess, use, purchase, or give away (to other adults) up to one ounce of marijuana, no more than five grams of which may be concentrates;

cultivate no more than six plants (with no more than 12 per household);
possess up to 10 ounces at one's primary residence, and any cannabis produced from their
plants; and
possess, manufacture, or purchase marijuana paraphernalia, or sell it to other adults.
Restrictions on Public Use: not permitted
Age Limit: 21

ME
Quantity Limits: 2.5 ounces
Restrictions on Public Use: not permitted in public
Age Limit: 21

AK
Quantity Limits: 1 oz // 4oz at residence
Restrictions on Public Use: Not permitted
Age Limit: 21

-----Original Message-----

From: david mann <mann568@gmail.com>
Sent: Monday, May 20, 2019 9:18 AM
To: Paraskevopoulos, Ioanna <Ioanna.Paraskevopoulos@cincinnati-oh.gov>; Kenkel, Hillary
<Hillary.Kenkel@cincinnati-oh.gov>
Subject: [External Email] marijuana laws

External Email Communication

10 states have legalized marijuana - WA, OR, CA, NV, CO, MI, VT, MA, ME, AK

in these states what are the possession quantity limits and what are the restrictions, if any, on
public use?

Thanks

From: Boggs Muething, Paula Paula.BoggsMuething@cincinnati-oh.gov
Subject: RE: [External Email] Pot
Date: May 20, 2019 at 12:35 PM
To: david mann mann568@gmail.com
Cc: Pannell, Ashley Ashley.Pannell@cincinnati-oh.gov

Councilmember Mann:

We have confirmed with CPD that their practice has been that public smoking would be charged under Revised Code 2925.11, which is the provision governing possession of a controlled substance. There is not an additional provision that would be available for charges of public smoking. If the council prevails upon the manager to direct CPD to no longer charge under 2925.11 for marijuana possession, there would not be any charged offense for public smoking of marijuana unless an individual was smoking inside a public place. The Ohio indoor smoking ban, Revised Code Chapter 3794, provides for civil fines against violators - either individuals or the proprietor of the public place. Please let me know if you would like additional information or have any questions. Thanks, Paula

Paula Boggs Muething
City Solicitor
Law Department
513/352-3320 (o) | 513/352-1515 (f)
paula.boggsmuething@cincinnati-oh.gov

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-----Original Message-----

From: David Mann <mann568@gmail.com>
Sent: Sunday, May 19, 2019 8:59 PM
To: Boggs Muething, Paula <Paula.BoggsMuething@cincinnati-oh.gov>
Subject: [External Email] Pot

External Email Communication

If pending legislation re marijuana is passed, is there any prohibition on public use of pot. For instance, could I smoke pot walking down the street or at a gathering in a public space where smoking is otherwise permitted ?

Sent from my iPhone